

C.No.13583/Cts.C2/2008

HOME (COURTC.C2)
DEPARTMENT

Sub:-P.S. - A.P. State Judicial Service - Imparting One Week Orientation Course to the newly selected 65 candidates - Training arrangements at A.P.J.A., Secunderabad from 1.5.2008 to 7.5.2008 - Reg.

Ref:- G.O.Ms.No.24, Home (Courts.C1) Department, dt.5.3.2008.

2.From the Registrar (V), A.P.H.C., Hyd., D.O.lr.No.2364/2008-B-

SPL, dt.15.3.2008.

3.From the Registrar (V), Lr.R.O.C.No.2364/2008-B, SPL, dt.25.4.2008.

Please see the letter received from the Registrar (V), A.P.H.C., Hyderabad at pages 1 - cf.

The Registrar (V), A.P.H.C., Hyderabad has addressed a letter to Chief Secretary stated that on recommendations made by the High Court, the Government have issued orders vide G.O.Ms.No.24, dt.5.3.2008 have approved the names of 65 candidates for appointment to the posts of Junior Civil Judges (i.e.53 by direct Recruitment and 12 by Recruitment by transfer).

The Registrar (V), A.P.H.C., Hyderabad has further stated that as per Special Rules for A.P. State Judicial Service, the approved candidates shall undergo training for a period of 6 months prescribed by the government. However, in previous selections on the recommendations of the High Court, the Government issued orders reducing the period of training from 6 months to 4 months in relaxation of the Rules since the Basic Training imparted by the A.P. Judicial Academy, to the

candidates selected as Junior Civil Judges for a period of 4 months is sufficient. But, the Hon'ble Supreme Court of India in its Judgement dt.21.3.2002 in W.P.(C) No.1022/1989 while dealing the First National Judicial Pay Commission recommendations in All India Judicial Officers Association's case directed the High Courts and State Governments to amend their Rules in respect of Recruitment, Service conditions and Pay Scale etc., of Judicial Officers. The following is the Direction with regard to training to fresh recruits in the above Judgement:

“We however recommend that a fresh recruit into the Judicial Service should be imparted with training of not less than one year preferably two years”

The draft Judicial Service Rules prepared by the Registry as per directions of the Hon'ble Supreme Court are under consideration of the High Court.

The Registrar (V), A.P.H.C., Hyderabad has also stated that at present 141 Junior Civil Judges courts are kept vacant due to dearth of officers since very long time and 24 more vacancies may also arise due to promotions of Junior Civil Judges as Senior Civil Judges. If all the selected candidates are deputed for training at a time before appointment, the said vacant courts are to be kept vacant for a further period resulting in further inconvenience to the litigant public. On the other hand the A.P. Judicial Academy, may also be not in a position to arrange for training to such a large number of candidates at a time due to accommodation and other problems. Therefore, the High Court decided that it would be more

convenient if the training is given in two batches for a period of 3 months each and repeat till one year is completed.

The Registrar (V), A.P.H.C., Hyderabad has stated that the Government have issued G.O. vide ref.1st cited and approved the names of 65 candidates for appointment to the posts of Junior Civil Judges (i.e. 53 by Direct Recruitment and 12 by Recruitment by Transfer)

The Registrar (V), A.P.H.C., Hyderabad has further stated that the following proposals with regard to training and posting to the newly selected 65 candidates in the G.O. Cited.

1. To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
2. On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
3. For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

In previous occasions on the recommendations made by the High Court for 2005 batch (87 candidates) and 2007 batch (3 candidates) the government in its G.O.Ms.No.109 Law (LA&J Court.C1) Department, dt.17.8.2005 and G.O.Ms.No.41, Law (LA & J) Home Courts.C1) Department, dt.18.4.2007 issued orders as proposed above.

The Registrar (V), A.P.H.C., Hyderabad has addressed a letter to Secretary Law Department and stated that

- i) At present 141 Junior Civil Judges posts are vacant through out the State of Andhra Pradesh due to dearth of Officers.
- ii) Thousands of cases are held up in those courts for want of Presiding Officers. The presiding Officers of the court who are placed in-charge of these courts are not able to dispose off many cases in their courts in view of the routine in-charge work of full additional charge courts. This is effecting considerably in the disposal of cases.
- iii) If all the 65 Officers are to be sent for training for one year, it will lead to further accumulation of pendency besides lack of accommodation at Andhra Pradesh judicial Academy. At present the Judicial Academy can accommodate about 40 officers only. Therefore, all the officers are to be trained at one stretch is not possible.
- iv) The litigant public and members of various Bar Association in the State are agaitaing by boycotting the courts in several districts i.e. Chittoor and etc. and they are sending representations to the High Court for filling-up of those posts.

Therefore, in the interest of Administration of Justice, and litigant public the High Court has taken a decision that all the 65 candidates have to be sent for One week orientation Course at Andhra Pradesh Judicial Academy, initially at Secunderabad from 1.5.2008 to 7.5.2008 and after completion of the said training they will be given posting orders and thereafter 50% of the officers be sent to training in each batch for a period of one year.

The Registrar (V), A.P.H.C., Hyderabad has requested the Government to take immediate steps to ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

In view of the above, the request of Registrar (Admn.) High Court of A.P. on the following may be agreed to:

- 1 To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
- 2 On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
- 3 For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

and also ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

The file may be circulation to Hon'ble C.M./C.S. through Secretary (Ser.)/Prl. Secretary (Finance (SMPC) for orders on para () above.

NOTE FOR CIRCULATION

The file deals with the proposal of the Registrar (Vigilance) High Court of Andhra Pradesh, Hyderabad for one Week Orientation course to the newly selected 65 candidates.

The Registrar (V), A.P.H.C., Hyderabad has addressed a letter to Chief Secretary stated that on recommendations made by the High Court, the Government have issued orders vide G.O.Ms.No.24, dt.5.3.2008 have approved the names of 65 candidates for appointment to the posts of Junior Civil Judges (i.e.53 by direct Recruitment and 12 by Recruitment by transfer).

The Registrar (V), A.P.H.C., Hyderabad has further stated that as per Special Rules for A.P. State Judicial Service, the approved candidates shall undergo training for a period of 6 months prescribed by the government. However, in previous selections on the recommendations of the High Court, the Government issued orders reducing the period of training from 6 months to 4 months in relaxation of the Rules since the Basic Training imparted by the A.P. Judicial Academy, to the candidates selected as Junior Civil Judges for a period of 4 months is sufficient. But, the Hon'bel Supreme Court of India in its Judgement dt.21.3.2002 in W.P.(C) No.1022/1989 while dealing the First National Judicial Pay Commission recommendations in All India Judicial Officers Association's case directed the High Courts and State Governments to amend their Rules in respect of Recruitment, Service conditions and Pay Scale etc., of Judicial Officers. The following is the Direction with regard to training to fresh recruits in the above Judgement:

“We however recommend that a frsh recruit into the Judicial Service should be imparted with training of not less than one year preferably two years”

The draft Judicial Service Rules prepared by the Registry as per directions of the Hon’ble Supreme Court are under consideration of the High Court.

The Registrar (V), A.P.H.C., Hyderabad has also stated that at present 141 Junior Civil Judges courts are kept vacant due to dearth of officers since very long time and 24 more vacancies may also arise due to promotions of Junior Civil Judges as Senior Civil Judges. If all the selected candidates are deputed for training at a time before appointment, the said vacant courts are to be kept vacant for a further period resulting in further inconvenience to the litigant public. On the other hand the A.P. Judicial Academy, may also be not in a position to arrange for training to such a large number of candidates at a time due to accommodation and other problems. Therefore, the High Court decided that it would be more convenient if the training is given in two batches for a period of 3 months each and repeat till one year is completed.

The Registrar (V), A.P.H.C., Hyderabad has stated that the Government have issued G.O. vide ref.1st cited and approved the names of 65 candidates for appointment to the posts of Junior Civil Judges (i.e. 53 by Direct Recruitment and 12 by Recruitment by Transfer)

The Registrar (V), A.P.H.C., Hyderabad has further stated that the following proposals with regard to training and posting to the newly selected 65 candidates in the G.O. Cited.

- 1 To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
- 2 On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
- 3 For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

In previous occasions on the recommendations made by the High Court for 2005 batch (87 candidates) and 2007 batch (3 candidates) the government in its G.O.Ms.No.109 Law (LA&J Court.C1) Department, dt.17.8.2005 and G.O.Ms.No.41, Law (LA & J) Home Courts.C1) Department, dt.18.4.2007 issued orders as proposed above.

The Registrar (V), A.P.H.C., Hyderabad has addressed a letter to Secretary Law Department and stated that

- v) At present 141 Junior Civil Judges posts are vacant through out the State of Andhra Pradesh due to dearth of Officers.
- vi) Thousands of cases are held up in those courts for want of Presiding Officers. The presiding Offices of the court who are placed in-charge of these courts are not able to dispose off many cases in their courts in view of the routine in-charge work of full additional charge courts. This is effecting considerably in the disposal of cases.

- vii) If all the 65 Officers are to be sent for training for one year, it will lead to further accumulation of pendency besides lack of accommodation at Andhra Pradesh judicial Academy. At present the Judicial Academy can accommodate about 40 officers only. Therefore, all the officers are to be trained at one stretch is not possible.
- viii) The litigant public and members of various Bar Association in the State are agitating by boycotting the courts in several districts i.e. Chittoor and etc. and they are sending representations to the High Court for filling-up of those posts.

Therefore, in the interest of Administration of Justice, and litigant public the High Court has taken a decision that all the 65 candidates have to be sent for One week orientation Course at Andhra Pradesh Judicial Academy, initially at Secunderabad from 1.5.2008 to 7.5.2008 and after completion of the said training they will be given posting orders and thereafter 50% of the officers be sent to training in each batch for a period of one year.

The Registrar (V), A.P.H.C., Hyderabad has requested the Government to take immediate steps to ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

In view of the above, the request of Registrar (Admn.) High Court of A.P. on the following may be agreed to:

- 1 To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
- 2 On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.

- 3 For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

and also ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

When the file has been referred to G.A.(Ser.A) Department for their remarks in the matter, they have stated that G.A. (Ser.A) Deptt. have no objection to the proposal and have no remarks to offer, as no interpretation of service rules is involved. Accordingly a draft order is placed below.

The file may be circulated to Hon'ble C.M./C.S. through Secretary (Ser.)/ for orders on para () above.

NOTE FOR CIRCULATION

The Registrar (V), A.P.H.C., Hyderabad has stated that the Government have issued orders vide G.O.Ms.No.24, dt.5.3.2008 cited and approved the names of 65 candidates for appointment to the posts of Junior Civil Judges (i.e. 53 by Direct Recruitment and 12 by Recruitment by Transfer)

The Registrar (V), A.P.H.C., Hyderabad has further stated that the following proposals with regard to training and posting to the newly selected 65 candidates in the G.O. Cited.

1. To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
2. On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
3. For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

In previous occasions on the recommendations made by the High Court for 2005 batch (87 candidates) and 2007 batch (3 candidates) the government in its G.O.Ms.No.109 Law (LA&J Court.C1) Department, dt.17.8.2005 and G.O.Ms.No.41, Law (LA & J) Home Courts.C1) Department, dt.18.4.2007 issued orders as proposed above.

The Registrar (V), A.P.H.C., Hyderabad has addressed a letter to Secretary Law Department and stated that

- i) At present 141 Junior Civil Judges posts are vacant through out the State of Andhra Pradesh due to dearth of Officers.
- ii) Thousands of cases are held up in those courts for want of Presiding Officers. The presiding Officers of the court who are placed in-charge of these courts are not able to dispose off many cases in their courts in view of the routine in-charge work of full additional charge courts. This is effecting considerably in the disposal of cases.
- iii) If all the 65 Officers are to be sent for training for one year, it will lead to further accumulation of pendency besides lack of accommodation at Andhra Pradesh judicial Academy. At present the Judicial Academy can accommodate about 40 officers only. Therefore, all the officers are to be trained at one stretch is not possible.
- iv) The litigant public and members of various Bar Association in the State are agitating by boycotting the courts in several districts i.e. Chittoor and etc. and they are sending representations to the High Court for filling-up of those posts.

Therefore, in the interest of Administration of Justice, and litigant public the High Court has taken a decision that all the 65 candidates have to be sent for One week orientation Course at Andhra Pradesh Judicial Academy, initially at Secunderabad from 1.5.2008 to 7.5.2008 and after completion of the said training they will be given posting orders and thereafter 50% of the officers be sent to training in each batch for a period of one year.

The Registrar (V), A.P.H.C., Hyderabad has requested the Government to take immediate steps to ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

In view of the above, the request of Registrar (Admn.) High Court of A.P. on the following may be agreed to:

1. To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
2. On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
3. For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

and also ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

When the file has been referred to G.A.(Ser.A) Department for their remarks in the matter, they have stated that G.A. (Ser.A) Deptt. have no objection to the proposal and have no remarks to offer, as no interpretation of service rules is involved. Accordingly a draft order is placed below.

The file was also referred to Finance (SMPC) Deptt. for their remarks in the matter, they have requested to take action as per the 3rd proviso of item, 22 of second schedule of A.P .Government Business Rules.

As per the 3rd proviso of item, 22 of Second Schedule of A.P. Government Business Rules the file may be circulated to C.S. for orders on para () above.

EXTRACTS

THE ANDHRA PRADESH
GOVERNMENT

BUSINESS RULES

And

SECRETARIAT INSTRUCTIONS

3rd Proviso of Item -22 of Second Schedule of A.P.
Government Business Rules:

“ that where it is proposed to create any supernumerary post in the case of direct recruits who have to undergo the prescribed induction training in the department or foundational course in a State-Level or designated training institut8on during the period of their probation, before they assume charge in a regular post in the department, such cases need not be placed before the Council of Ministers and orders will be issued with the approval of the Chief Secretary, provided that such posts automatically stand lapsed the moment the public servant concerned is relieved to assume charge in a regular post.”

ABSTRACT

Public Services - A.P.State Judicial Service - Selection of Junior Civil Judges by the High Court of Andhra Pradesh, Hyderabad - Importing training to the newly selected 65 candidates to the post of Junior Civil Judges - Orders - Issued.

--

HOME (COURTS.C) DEPARTMENT

G.O.Ms.No.
2008

Date: _____ -07-

Read _____ the

following :-

1.G.O.Ms.No.24, Home (Courts.C1) Department,
dt.5.3.2008.

2.From the Registrar (V),A.P.H.C.,
Hyderabad,D.O.lr.No.2364/2008-
B- SPL, dt.15.3.2008.

3.From the Registrar (V),Lr.R.O.C.No.2364/2008-B,
SPL,
dt.25.4.2008.

ORDER:

The High Court of Andhra Pradesh, Hyderabad,
selected 65 candidates for appointment to the post of Junior

Civil Judges, 53 Candidates by Direct recruitment and 12 Candidates Recruitment by transfer. In the reference first read above, the Government of Andhra Pradesh approved the said selection of 65 candidates and orders have also been issued and directed that the candidates appointed as Junior Civil Judges shall undergo the training as per Rules.

2. In the ref. second read above, the Registrar (Vigilance), High Court of A.P., Hyderabad has requested for orders on the following with regard to training and postings.

- 1 To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
2. On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
3. For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)

3. The Supreme Court of India have given directions to the High Court and State Government in W.P.(C) No.1022/1989, dt.21.3.2002 with regard to

fresh recruits that “a fresh recruit into the Judicial service should be imparted with training of not less than one year preferably two years.”

(Conti...2)

;;2;;

4. In the reference 3rd read above the Registrar (Vigilance), High Court of A.P., Hyderabad has stated that the interest of Administration of Justice, and litigant public the High Court has taken a decision that all the 65 candidates have to be sent for One week orientation Course at Andhra Pradesh

Judicial Academy, initially at Secunderabad from 1.5.2008 to 7.5.2008 and after completion of the said training they will be given posting orders and thereafter 50% of the officers be sent to training in each batch for a period of one year.

5. The Registrar (Vigilance), A.P.H.C., Hyderabad has requested the Government to ratify the action taken by the High Court in deputing the 65 candidates for One week Orientation Course from 1.05.2008 to 7.5.2008.

6. The Government after careful examination of the matter hereby sanction for the following proposals of the High Court with regard to training and postings to 65 candidates approved by the Government for the post of Junior Civil Judges vide G.O.Ms.No.24, Home (Courts.C) Department, dt.5.3.2008.

1. To conduct an Orientation Course to all the 65 candidates for a period of one week in the Andhra Pradesh Judicial Academy, Secunderabad.
2. On completion of the one week orientation Course, all the 65 candidates be initially appointed to the post of Junior Civil Judges by relaxing the relevant Rule 5 of the Special Rules and permitting the High Court to depute the said candidates for training in two batches for a period of 3 months each and repeated till one year is completed at a convenient time.
3. For creation of 59 supernumerary posts in respect of the said candidates for a period of one week from the date of commencing of the Orientation Course at Andhra Pradesh Judicial Academy, Secunderabad (since out of the 65 candidates, 6 candidates are now working as temporary Junior Civil Judges.)
4. keeping in view of the direction of Hon'ble Supreme Court of India, Government hereby order that pending amendment to the A.P.State Judicial Service Rules, with regard to impart of training to the newly recruited Judicial Officers, it is directed to impart training for one year to the Junior Civil Judges appointed in the G.O. first read above.
5. The Newly recruited Junior Civil Judges are covered by the Contributory Pension Scheme and the existing

Pension Scheme as per Revised Pension Rules 1980
will not be applicable to them

(Conti...3)

::3::

6. Government hereby ratify the action taken by the High Court in deputing the 65 candidates for One Week Orientation Course from 1.5.2008 to 7.5.2008.

7. The candidates selected will also be permitted to relinquish their claim for appointment by submitting their decision in the prescribed proforma before they report for training. Such candidates who relinquish their claim will have no right for the said appointment with reference to the said selection.

8. The expenditure on training shall be debitable to relevant sub-head under 2014-Administration of Justice”.

9. This orders issues with the concurrence of Finance
(SMPC) Department vide their
U.O.No.16672/A/887/A3/SMPC/2008, Dt:10 - 06 - 2008.

To
The Registrar (V), A.P.H.C., Hyderabad.
The Commissioner of Printing, Stationery & Stores Purchase
(Printing Wing), Hyderabad for publication of the G.O. in
the A.P.Gazette (2 copies)
The Accountant General, A.P., Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
Copy to:
The Director General and Inspector General of Police, A.P.,
Hyderabad.
The Director General, Anti-Corruption Bureau, Hyderabad.

The Director of Prosecutions, A.P., Hyderabad.
The Law (LA & JSCF) Department.
The G.A.(I.PR) Department.
The Law (E) Department.
The Home (SC.A.)Department.
The Finance Department.
Sf/sc.